

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LLOYD RICHARD DEERE,

Petitioner,

vs.

SHERMAN HATCHER, et al.,

Respondents.

CV-S-01-0283-LRH (LRL)

ORDER

Presently before this Court is Plaintiff's motion seeking relief from this Court's order denying relief from another of this Court's orders (Docket No. 44). The crux of the pending motion involves a complaint over this Court's denial of relief from a previous order. Plaintiff has moved this Court to reconsider its previous ruling to take into account several facts that Plaintiff feels were not sufficiently considered. The Court is not inclined to do so.

Despite Plaintiff's protestations that this Court did not consider the proper facts, Plaintiff's argument avoids the main issue. The previous motion failed to fall within the one year requirement for a motion based on excusable neglect and was deemed not to have been filed within a reasonable time if filed under the catch-all provision of Federal Rule of Civil Procedure 60(b). None of the facts raised by Plaintiff in his motion seeking relief from this Court's previous order relate to the fact that the motion denied was not filed in a timely manner. All facts presented by Plaintiff relate to collateral issues regarding mailing mistakes on previous orders not affecting the timeliness of the motion at issue. None of the facts raised by Plaintiff explain why he chose to wait approximately four months from the date his appeal was dismissed

1 to file the motion that he now complains was improperly denied. Thus, none of the facts now
2 brought before the Court affect the prior ruling.

3 Accordingly, Petitioner's Motion(s) to Amend and Make Additional Findings of Fact
4 Pursuant to FRCP 52(b), to Alter or Amend Pursuant to FRCP 59, for Relief from Order
5 Pursuant to FRCP 60(B)(6), and for Rehearing and Reconsideration (Docket No. 44) is DENIED.

6 IT IS SO ORDERED.

7 DATED this 10th day of November, 2005.

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11 LARRY R. HICKS
12 United States District Judge
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